

anticipated by U.S. Patent No. 5,914,941 to Janky ("Janky '941 Patent"). As discussed below, applicants respectfully, but strongly, traverse the rejection of claims 1-62.

Applicants' claimed invention is directed to the receipt and processing of successive blocks of data (audio or video) from a streamed multimedia file over a wireless network. Specifically, independent claims 1 and 20 recite, "...a transceiver operatively connected to the microprocessor for receiving successive blocks of data from **the streamed** [multimedia file] over the wireless telecommunications network." Similarly, independent claim 41 recites a method for **streaming** a multimedia file over a wireless telecommunications network to a mobile device. Applicants' specification details some of the advantages of utilizing streaming media at page 2, line 22 through page 3, line 9.

In contrast, the Janky '941 patent teaches that the selected program material is downloaded for storage in a hard drive for use when and where the user desires. The Janky '941 patent neither teaches nor suggests the process of streaming a multimedia file over a wireless network, where the multimedia file is stored temporarily in a buffer just prior to being processed and played instantly. Accordingly, because the Janky '941 patent does not teach or suggest using streaming multimedia files downloaded over a wireless network, applicants respectfully submit that independent claims 1, 20 and 41, and all claims dependent thereon, are patentable over the Janky '941 patent. Reconsideration and withdrawal of the rejection are respectfully requested.

B. Dependent Claims 13-16, 30-33 and 42-45 Are Not Anticipated

Dependent claims 13-16, 30-33 and 42-45 recite the use of the mobile device's microprocessor to regulate the transmissions from the wireless network based upon the status of the data in the input buffer. In contrast, the Janky '941 patent neither teaches nor suggests communications from the microprocessor to the wireless telecommunications network

relating to the data transmission rate with regard to the size and content of the input data buffer. Accordingly, for at least this reason and that discussed above with respect to independent claims 1, 20 and 41, applicants respectfully submit that dependent claims 13-16, 30-33 and 42-45 cannot be anticipated by the Janky '941 patent. Reconsideration and withdrawal of the rejection are respectfully requested.

C. Dependent Claims 8-12, 25-29 And 48-52 Are Not Anticipated

Applicants' dependent claims 8-12, 25-29 and 48-52 are directed to processing video or audio multimedia files streamed over a wireless network. In contrast, the Janky '941 patent neither teaches nor suggests the streaming of multimedia video, as well as audio files, over a wireless network to a mobile device. In fact, the Janky '941 patent expressly teaches away from the use of video: "However, the video-on-demand industry has a fundamentally different focus than that of radio or other audio-based program delivery services, i.e. to duplicate a theater-like experience in the viewers home, not offer a commuter or other mobile listener an audio-on-demand or subscription service." Accordingly, for at least this reason and that discussed above with respect to independent claims 1, 20 and 41, applicants respectfully submit that dependent claims 8-12, 25-29 and 48-52 cannot be anticipated by the Janky '941 patent. Reconsideration and withdrawal of the rejection are respectfully requested.

CONCLUSION

For the reasons discussed above, applicants respectfully submit that the claims as currently pending are patentable and in condition for allowance, which is respectfully requested.

In the event that a telephone conference would facilitate examination of this application in any way, the Examiner is invited to contact the undersigned at the telephone number provided below.

Favorable consideration is respectfully requested.

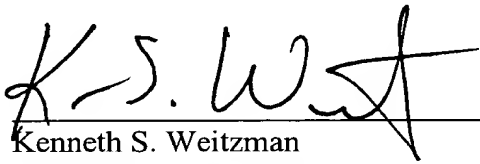
The Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this amendment under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account No. 13-4500, Order No. 3037-4178.

Respectfully submitted,

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